

1.136(a) and 1.17(a)(1). With the extension, the time for replying is extended up to and including September 3, 2002.

REMARKS

The Restriction Requirement

The Examiner has stated that restriction of the claims into one of the following inventions is required under 35 U.S.C. § 121:

- VI. Claims 27, 28, 42, 43, and 46 drawn to transgenic animals.
- VII. Claims 44, 45 and 53-61, drawn to transgenic animal cells and nucleic acids.
- VIII. Claims 29-35, 37, 53-61, and 64-71 drawn to transgenic plants, plant cells, and plant tissue culture, and nucleic acids, wherein the DNA insert is in sense orientation.
- XII. Claims 53-61, drawn to an isolated DNA molecule and a bacterial or fungal host cell.
- XIII. Claims 29-35, 37, 53-61, and 64-71, drawn to a transgenic plants, plant cells, plant tissue culture, and nucleic acids, wherein the DNA insert is in antisense orientation.
- XIV. Claims 29-35, 37, 53-61, and 64-71, drawn to transgenic plants, plant cells, plant tissue culture, and nucleic acids, wherein reduction in polypeptide synthesis is by ribozyme inhibition

The Examiner has stated that claims 53-58 and 60 link inventions VII, VIII, and XII-XIV and that the restriction requirement between the linked inventions is subject to the nonallowance of the linking claims. The Examiner has indicated that upon the allowance of the

linking claims, the restriction requirement as to the linked inventions will be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application.

Applicants representatively acknowledge with thanks the Examiner's August 12, 2002 telephone call in which she indicated that claims 40, 41, 62, 63 would be examined with Group IX, claim 48 would be examined with Groups VIII, XIII, and XIV, claim 50 would be examined with Group X, and claim 52 would be examined with Group XI. Applicants request that the Examiner confirm her restriction of these claims. Applicants also acknowledge with thanks the Examiners's June 5, 2002 telephone call in which it was indicated that the claims of Group IX would be rejoined if the others were found allowable.

Pursuant to 37 C.F.R. § 1.146 applicants elect Group VIII for prosecution on the merits to which the claims shall be restricted if no generic linking claim is finally held to be allowable. This election is not to be construed as agreement with the restriction or characterization of the groups or linking claims. This election is made expressly without waiver of applicants' rights to continue to

prosecute and to obtain claims to the non-elected subject matter either in this application or in other applications claiming priority herefrom.

Respectfully submitted,



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